HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Appeal No. 1013/2020

1. Mahaveer Singh S/o Shri Bhanwar Singh, Aged About 33 Years, By Caste Rajput, R/o Bala, Police Station Guda Endla, District Pali (Raj.). (Presently Lodged At District Jail Pali).
2. Ganga Singh S/o Shri Bhanwar Singh, Aged About 35 Years, By Caste Rajput, R/o Bala, Police Station Guda Endla, District Pali (Raj.). (Presently Lodged At District Jail Pali).

----Appellants

Versus

1. State, Through Pp
2. Amra Ram S/o Shri Ram Lal, By Caste Meghwal, R/o Bala, Police Station Guda Endla, District Pali (Raj.).

----Respondents

Connected With

S.B. Criminal Appeal (Sb) No. 986/2020

Vikram @ Vickey S/o Sh. Babu Lal, Aged About 27 Years, B/c Sargara , R/o Runecha Colony , Manpura Distt. Pali (Presently Lodged In Distt. Jail Pali)

----Appellant

Versus

1. State, Through Pp
2. Amara Ram S/o Ram Lal, R/o Bala , Tehsil And Distt. Pali

----Respondents

For Appellant(s)	:	Mr.Govind Suthar & Mr.Narpat Singh (on VC).
For Respondent(s)	:	Mr.Mahipal Bishnoi, PP. None present for the complainant.

HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI

Order

02/12/2020

In wake of onslaught of COVID-19, lawyers have been advised to refrain from coming to the Courts.

Heard learned counsel for the parties and perused the record of the case.

None present for the respondent no.2/complainant despite service.

These criminal appeals under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter to be referred as 'the SC/ST Act') has been filed on behalf of the appellants being aggrieved with the orders dated 09.11.2020 and 28.10.2020 passed by the learned Special Judge, SC/ST Act Cases, Pali (hereinafter to be referred as 'trial court') whereby the trial court has dismissed the bail applications filed on behalf of the appellants.

The appellants have been arrested in connection with FIR No.147/2020 of Police Station Sadar, District Pali for the offence punishable under Sections 323, 328, 365, 383, 342 of IPC and Sections 3(1)D, 3(1)(S) and 3(2)(VA) of the SC/ST (Prevention of Atrocity) Act.

Learned counsel for the appellants submit that the principal accused in the case are Kundan Singh and Babu Musalman along with two other boys. The main allegation is not against the present appellants. Learned counsel for the appellants have referred to the statement rendered by the injured witness in which no specific injury has been attributed to the appellants. They further submit that the charge-sheet in this case has already been filed.

Learned Public Prosecutor opposes the appeals.

Having regard to the totality of the facts and circumstances of the case, without expressing any opinion on the merits of the

case, this Court deems it just and proper to allow the appeals filed by the accused-appellants under Section 14-A of SC/ST Act.

Accordingly, these criminal appeals filed under Section 14-A of SC/ST Act are allowed and the orders dated 09.11.2020 and 28.10.2020 passed by the learned Special Judge, SC/ST Act Cases, Pali are set aside. It is directed that appellants (1) Mahaveer Singh S/o Shri Bhanwar Singh, (2) Ganga Singh S/o Shri Bhanwar Singh and (3) Vikram @ Vickey S/o Sh. Babu Lal shall be released on bail in connection with FIR No.147/2020 of Police Station Sadar, District Pali provided each of them execute a personal bond in a sum of Rs.50,000/- with two sound and solvent sureties of Rs.25,000/- each to the satisfaction of learned trial court for their appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(DR.PUSHPENDRA SINGH BHATI),J.

125-126-Jitender/-

RAJASTHAN HIGH COURT
सत्यमेव जयते